

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 3427 of 2004(G)

PETITIONER:

**SASI, S/O.KUMARAN,
KAKKANATHURUTHIL HOUSE, VADAKKUMPURAM,
CHENNAMMANGALAM.**

**BY ADV. SRI.A.VIJAYAKUMAR
SRI.A.N.SANTHOSH**

RESPONDENTS:

- 1. K.S.R.T.C. EMPLOYEES CO-OPERATIVE
SOCIETY LTD.NO.R 716, CHALAKKUDY,
THRISSUR DISTRICT REP. BY ITS SECRETARY.**
 - 2. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G) OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
MUKUNDAPURAM, IRINJALAKUDA.**
 - 3. KERALA CO-OPERATIVE TRIBUNAL, TRIVANDRUM**
- BY GOVERNMENT PLEADER SRI. BASANT BALAJI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 3427/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AWARD IN ARC 1638/97 DT. 12/08/98 OF THE R2.

EXT.P2. COPY OF THE APPEAL MEMORANDUM DT. 15/12/98 FILED BY THE PETITIONER BEFORE THE R3.

EXT.P3. COPY OF THE JUDGMENT IN AP 12/99 DT. 31/07/2003 OF THE R3.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No. 3427 of 2004 -G

Dated this the 26th February, 2007.

J U D G M E N T

The petitioner is aggrieved by the award and appellate judgment of the Arbitrator and Co-operative Tribunal respectively. Though several contentions are taken by the writ petitioner, one of such contention, which requires factual verification. It is submitted that the award is for an amount not claimed by the Society. It is submitted that the amounts remitted by the petitioner had not been taken into account. The plaint claim was only for Rs.95,417.10 with 6,960/- interest, it is submitted.

2. The Government Pleader points out that interest is not Rs. 6,960/-, it is actually Rs.69,601/-. Another contention is with regard to the rate of interest. According to the petitioner, there is no justification in the rate as 18%. The rate is to be fixed taking note of the nature of the transactions. The amount was allegedly misappropriated by the petitioner. It is also seen from the evidence that the petitioner himself had admitted the liability and had undertaken to repay the amounts. All these aspects have been properly considered by

the Arbitrator and Co-operative Tribunal, I do not find any merit in this writ petition and it is accordingly dismissed.

3. However, it is made clear that in case the petitioner has any dispute on the accounts, it will be open to him to approach before 1st respondent, in which case, untrammelled by the award and judgment, the accounts shall be verified by the 1st respondent and appropriate adjustments, if required, shall be made in respect of the amounts already remitted by the petitioner.

The writ petition is dismissed as above.

(KURIAN JOSEPH, JUDGE)

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KURIAN JOSEPH, J.

OP No.

JUDGMENT

13th March, 2006